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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/786,162	02/26/2004	Yrjo Suolahti	713-1008	9132
22429	7590	03/03/2005	EXAMINER	
LOWE HAUPTMAN GILMAN AND BERNER, LLP			DESAI, HEMANT	
1700 DIAGONAL ROAD			ART UNIT	
SUITE 300 /310			PAPER NUMBER	
ALEXANDRIA, VA 22314			3721	

DATE MAILED: 03/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/786,162	Applicant(s) SUOLAHTI, YRJO	
	Examiner Hemant M Desai	Art Unit 3721	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) 19-25 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 9-15 and 18 is/are rejected.
- 7) ☒ Claim(s) 7, 8, 16 and 17 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2/26/04, 10/14/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Claims 19-25, Group II, withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 1/21/2005.

Applicant contends that the Examiner has failed to demonstrate why the process can be regarded materially different process.

A restriction is proper if the groups of claims are independent or distinct from each other and if there is a burden on the examiner if no restriction was required.

In this instant application, the restriction is deemed proper because the groups of inventions are distinct from each other as stated in the previous office action.

Furthermore, since the groups are classified in different class/subclasses, it is deemed that there is a burden on the examiner if no restriction was required.

The requirement is still deemed proper and is therefore made FINAL.

Specification

2. The disclosure is objected to because of the following informalities: Use of claim numbers in the specification (page 1, lines 6-8 and page 3, lines 10-14) should be avoided since final numbering of the claims might be different than the existing claim numbers.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-6, 9, 10-15 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over European Patent (EP 0811554) in view of Webb et al. (2348043).

European Patent ('554) discloses a wrapping machine for wrapping a plastic foil web around an object to be packaged, the wrapping machine comprising a machine frame (3, fig. 1), which is supported on a fixed base and which comprises upright vertical columns (8, fig. 1), a lifting frame (9, fig. 1) arranged to be vertically movable upwards and downwards along the vertical columns by means of a lifting motor (17, fig. 1) and a foil dispenser (4, fig. 1), on which a foil web roll (5, fig. 1) can be rotatably supported, and which foil dispenser is vertically movable with the lifting frame and arranged to circulate along a circular path around the object to be packaged to unroll a plastic foil web from the foil web roll so as to form a wrapping around the object to be packaged.

European Patent ('554), as mentioned above, discloses all the claimed limitations, except for the detachable vertical column. However, Webb et al. teaches two column parts (a, b, fig. 2) detachable joined together end on end, the column parts comprising a lower column part and an upper column part (see fig. 2) which may be set up to hold machine in conventional standing position or collapsed into a relatively small compass for storing or shipping purpose (see col. 1, lines 2-5). Therefore it would have

Art Unit: 3721

been obvious to one having ordinary skill in the art at the time the invention was made to having provided the detachable vertical column as taught by Webb et al. in the wrapping machine of European Patent ('554), which may be set up to hold machine in conventional standing position or collapsed into a relatively small compass for storing or shipping purpose.

Regarding claims 2-3 and 11-12, European Patent ('554) as modified by Webb et al., teaches that the wrapping machine comprises splice joint elements for joining the lower column parts and the upper column parts together (see figs. 3 and 4) and the lower column part and the upper column part are box section beams of identical cross-section having a hollow space inside them, and that the splice joint element is a profiled beam having an external form substantially corresponding to the shape of the hollow space (see figs. 2-4).

Regarding claims 4 and 13, European Patent ('554) as modified by Webb et al., teaches that the lower column part comprises a supporting element (P, fig. 2) capable of supporting the lifting frame when the latter is lowered onto it.

Regarding claims 5 and 14, European Patent ('554) discloses that the lifting motor (17) is secured to the lifting frame so as to be movable with it.

Regarding claims 6 and 15, European Patent ('554) discloses that the wrapping machine comprises elongate flexible drive elements (drive chain 36, fig. 3) and wheels driven by the lifting motor (17) for the transmission of power from the lifting motor to produce a vertical motion of the lifting frame.

Art Unit: 3721

Regarding claims 9 and 18, European Patent ('554) discloses that the power transmission means (18, 15, see col. 3, lines 50-55).

Allowable Subject Matter

5. Claims 7-8 and 16-17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hemant M Desai whose telephone number is (571) 272-4458. The examiner can normally be reached on 7:00 AM-5:30 PM, Mon-Thurs..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi I. Rada can be reached on (571) 272-4467. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


SCOTT A. SMITH
PRIMARY EXAMINER